

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **INDEFINITE MATERIALS**

the specification of which (check one)

☐ is attached hereto.

☒ was filed on August 29, 2003 as  
Application Serial No. PCT/US2003/027194  
and was amended on \_\_\_\_\_  
(if applicable)  
and  
was filed on 22 February 2005 as  
Application Serial No. 10/525,191

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

#### **Prior Foreign Application(s)**

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

That I hereby claim the benefit under Title 35, United States Code, §119 and/or §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

#### **United States Application(s)**

<u>60/406,773</u> (Application Serial No.)	<u>Aug. 29, 2002</u> (Filing Date)	<u>Provisional</u> (Status)-(Patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)-(Patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)-(Patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief

are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to GREER, BURNS & CRAIN, LTD., 300 South Wacker Drive, Suite 2500, Chicago, Illinois 60606, Telephone No. (312) 360-0080:

Practitioners associated with the Customer Number: 24978

I hereby grant the above-named attorneys the right to insert the application Serial Number in the appropriate place on this document, once such number has been assigned from the United States Patent and Trademark Office.

Full name of sole or one  
joint inventor:

David R. Smith

Inventor's signature:

*David R. Smith*

Date:

3/18/2005

Residence and Post Office Address:

706 Ivy Meadow Lane

Durham, NC 27707

Citizenship:

US

Full name of additional  
joint inventor, if any:

David Schurig

Inventor's signature:

*David Schurig*

Date:

18 March 2005

Residence and Post Office Address:

108 Newell Street

Durham, NC 27705

Citizenship:

US

Address for Correspondence:

GREER, BURNS & CRAIN, LTD.  
300 South Wacker Drive, Suite 2500  
Chicago, Illinois 60606  
(312) 360-0080  
Customer No. 24978

# RECORDATION FORM COVER SHEET

## PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

Rev 6-93)

OMB No 0651-0011(exp 4/94)

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

David R. Smith and David Schurig

Additional name(s) of conveying party(ies) attached? ( ) Yes (X) No

2. Nature of conveyance:

(X) Assignment

( ) Merger

( ) Security Agreement

( ) Change of Name

( ) Other \_\_\_\_\_

Execution Date: March 18, 2005

3. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/525,191

B. Patent No.(s)

Additional numbers attached? ( ) Yes (X) No.

4. Name and address of party to whom correspondence concerning document should be mailed:

Name: Greer, Burns &amp; Crain, Ltd.

Internal Address:

Street Address: 300 South Wacker Drive, Suite 2500

City: Chicago

State: IL

ZIP: 60606

Additional name(s) &amp; address(es) attached: ( ) Yes ( ) No

2. Name and address of receiving party(ies):

Name: The Regents of the University of California

Internal Address:

Street Address: 1111 Franklin Street, 5th Floor

City: Oakland

State: CA

ZIP: 94607-5200

Additional name(s) &amp; address(es) attached: ( ) Yes (X) No

6. Total number of applications and patents involved: ( 1 )

7. Total fee (37 CFR 3.41) ..... \$ 40.00

(X) Enclosed

( ) Authorized to be charged to deposit account only in the event proper payment is not enclosed.

8. Deposit account number:

07-2069

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Steven P. Fallon

August 22, 2005

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: ( 3 )

21.66867

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents & Trademarks, Box Assignments  
 Washington, D.C. 20231

**ASSIGNMENT**

WHEREAS, DAVID R. SMITH, a citizen of the United States, residing at 706 Ivy Meadow Lane, Durham, NC 27707, and DAVID SCHURIG, a citizen of the United States, residing at 108 Newell Street, Durham, NC 27705, referred to as ASSIGNORS, have invented and own a certain invention entitled:

**INDEFINITE MATERIALS**

for which application for Letters Patent of the United States has been filed on February 22, 2005, and accorded Serial No. 10/525,191;

WHEREAS, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a non-profit organization of the State of California having a place of business at 1111 Franklin Street, 5th Floor, Oakland, California 94607-5200, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire interest in, to and under said invention and any United States Letters Patent to be obtained therefor:

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that for good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention and all Letters Patent of the United States to be obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted.

ASSIGNOR also assigns all of its right, title and interest in and to said invention in all foreign countries, and all applications for Letters Patent which may evolve therefrom, including the right to claim International Convention priority.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNOR and ASSIGNOR will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply

for, obtain, maintain and enforce said application, said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof.

Date 3-18-2005

David R. Smith  
David R. Smith

Date 18 March 2005

David Schurig  
David Schurig